

Exhibit B

PANICO LAW LLC

Trial Lawyers & Counselors at Law

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John Robert Panico

Admitted In

California & Utah

Gregory Bekes

Of Counsel

Admitted in Kentucky

April 7, 2014

U.S. Department of Labor
OFCCP
Chicago District Office
230 South Dearborn Street
Room 570
Chicago, IL 60604

Re: Baker v. Wilson 5 Service Company

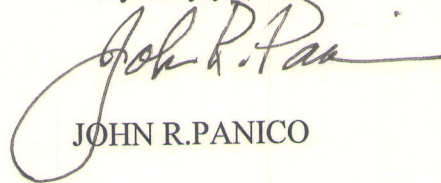
To Whom it May Concern:

This law firm represents John Baker in connection with his charge of discrimination against the above-referenced employer.

Enclosed please find Mr. Baker's charge of discrimination.

Should you have any questions, please feel free to contact me.

Very truly yours,



JOHN R. PANICO

IF YOUR COMPLAINT IS BASED ON VETERAN STATUS, CHECK ONE OR MORE OF THE FOLLOWING APPLICABLE BOX(ES):

- ☐ I was discharged or released from active duty on (enter date of discharge or release) _____
- ☐ I am a veteran who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 CFR 1209).
- ☐ I served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.
- ☐ I served on active duty for a period of more than 180 days, and was discharged or released with other than a dishonorable discharge, and the active duty occurred in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or between August 5, 1964, and May 7, 1975 in all other cases.
- ☐ I was discharged or released from active duty for a service connected disability. If you check this box, submit medical information resulting in discharge or release with this form. (This information is available from your Master Military Record at the National Personnel Record Center, 9700 Page Boulevard, St. Louis, MO 63132.)

I am a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs. Check one of the following:

- ☐ Disability rating of 30% or more
- ☐ Disability rating at 10% or 20% and have been officially determined to have a serious employment disability
- ☐ Disability rating, but neither a or b

Step 3: Check those actions which you believe the employer took or failed to take because of your race, color, religion, sex, national origin, disability or veteran status (more than one may be checked):

Issue(s):

- | | | | |
|--|---------------------------------------|---|---|
| <input checked="" type="checkbox"/> Hiring | <input type="checkbox"/> Promotion | <input type="checkbox"/> Job Assignment | <input type="checkbox"/> Sabbath Day Observance |
| <input type="checkbox"/> Termination | <input type="checkbox"/> Demotion | <input type="checkbox"/> Training and Apprenticeship | <input type="checkbox"/> Intimidation |
| <input type="checkbox"/> Layoff | <input type="checkbox"/> Seniority | <input type="checkbox"/> Segregated Facilities | <input checked="" type="checkbox"/> Other retaliation |
| <input type="checkbox"/> Recall | <input type="checkbox"/> Harassment | <input type="checkbox"/> Pregnancy Leave | |
| <input type="checkbox"/> Wages | <input type="checkbox"/> Job Benefits | <input checked="" type="checkbox"/> Accommodation to Disability | |

FOR EACH ISSUE, EXPLAIN IN YOUR STATEMENT BELOW HOW YOU WERE DISCRIMINATED AGAINST.

1. Do you know any other employees or applicants of your group who were treated in the same way (checked above) you allege you were?

☐ Yes ☒ No If yes, include their names in your statement below and explain how they were treated.

2. Do you know any other employees or applicants who are not of your group who were treated in the same way (checked above) you allege you were?

☐ Yes ☒ No If yes, include their names in your statement below and explain how they were treated.

THE COMPLAINT.

Describe in detail the alleged discriminatory/retaliatory act (s).

Please include:

- Why you believe the act(s) was because of your disability, veteran status, race, color, religion, sex, or national origin, and why you believe the act(s) was retaliation;
- Dates, places, names and titles of persons involved and witnesses, if any;
- What harm, if any, was caused to you or others with whom you work as a result of the alleged discriminatory act(s);
- What explanation, if any, was offered for the act(s) by the employer; and
- Any information you may have on federal contracts held by the employer.

If this is a complaint based on disability, describe the disability, your history of disability, or why you think the employer regarded you as disabled.

John Baker, the charging party (CP) is a member of Local 399, International Union of Operating Engineers, Chicago, IL. CP began working at the Hammond IN federal courthouse as the building's chief engineer in 2006. The GSA contractor was Wilson 5 Service Company, Inc. (Wilson5). In or about March 2009, CP resigned his employment due to a serious health condition. Sometime in 2012 CP's physician cleared CP to return to full duty without restrictions. In April 2012, Local 399 sent CP's resume for a vacancy for stationary engineer with Wilson5 at the Hammond courthouse. CP telephone the site supervisor and advised of his application and request for consideration. CP was not hired or contacted. CP had learned that Wilson5 hired a substantially younger, less senior less qualified person for the

stationary engineer's position. The person hired did not suffer from a disability as does the CP. On or about 10/1/12 CP filed charges of discrimination with the EEOC alleging a violations to the ADEA and ADA. CP received a right to sue letter. CP has brought suit in federal court for violations to the ADA, ADEA and Title 503. On or about 3/17/2014 Local 399 sent CP to an interview with Wilson5 for a stationary engineer position in Chicago. CP interviewed for the position. Site supervisor appear to be pleased with CP job qualifications. CP mentioned that he previously worked for Wilson5. Site supervisor responded: "that's a conflict of interest". CP was not hired by Wilson5. CP believes Wilson5 has hired or continues to seek applicants for said position. CP believes he has been refused employment on the basis of his Age and Disability. CP also believes he has been retaliated against by Wilson5 because CP has brought charges of discrimination with the EEOC; and, has brought suit for violations of Title 503, ADA and ADEA.

(Type as much information as required into the block above)

If you have sought assistance in resolving this complaint from another source (another agency, a lawyer, internal grievance procedure, etc.) please indicate here and the name of the source, the date you sought assistance, and result, if any:

Name		Date	
Result:			

FRIEND OR RELATIVE:

Please notify OFCCP if you change your address or phone number. You may indicate a person who would know how to reach you if OFCCP is unable to reach you at your own address or phone.

Name			
Line #1		City	
Line #2		State	Zip
Relationship			
Telephone			

<p>FILED ELSEWHERE? If you have filed this complaint or a similar one elsewhere, please tell us:</p> <p>Name</p> <p>Line #1 City</p> <p>Line #2 State Zip</p> <p>Contact</p> <p>Telephone</p>	<p>ARE YOU REPRESENTED? If you are represented by an attorney or other person or organization, please tell us:</p> <p>Name John R. Panico, Esq.</p> <p>Line #1 9465 Counselors Row City Indianapolis</p> <p>Line #2 Suite 200 State IN Zip 46240</p> <p>Contact</p> <p>Telephone (317)759-7464</p>
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SIGNATURE AND VERIFICATION

I declare under penalty of perjury that the information given above is true and correct to the best of my knowledge or belief. (A willful false statement is punishable by law: 18 U.S.C. 1001.) I hereby authorize the release of any medical information needed for the investigation.

John P. Baker April 1, 2014
Signature of Complainant Date

Public Burden Statement

We estimate that it will take an average of 1.28 hours to complete this complaint form, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. If you have any comments regarding these estimates or any other aspect of this complaint form, including suggestions for reducing this burden, send them to the Office of Federal Contract Compliance Programs Policy Division (1250-0002) 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE

Do not write below this line

The complainant has verified this complaint in my presence. This complaint is now the basis of an investigation under Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and/or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212).

Name of Investigator	Title	Signature of Investigator	Date
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AFFIDAVIT OF JOHN P. BAKER

I, JOHN P. BAKER, being duly sworn depose and say:

1. I reside at 10742 Avenue F, Chicago, IL 60617;
2. My date of birth is March 13, 1956;
3. I am a member in good standing of International Union of Operating Engineers, Local 399, Chicago, IL;
4. Sometime in 2006, I began working as the chief building engineer at the federal courthouse in Hammond, IN;
5. My employer at the courthouse was Wilson 5 Service Company;
6. In or about March 2009, I resigned my employment with Wilson 5 due to a serious health condition;
7. Sometime in 2012, my treating physician returned me to full duty as a stationary engineer without restrictions;
8. Sometime in or about August 2012, Local 399 referred me to an open position at the courthouse for a stationary engineer;
9. On or about September 4, 2012, I telephoned William Augle at 219-933-7473, and advised of my filing an application for said position, and requested consideration as I had hired Augle for the position I was currently applying for;
10. Augle did not return my phone call;
11. Augle did not hire me for the position;
12. Augle hired a substantially younger, less qualified person, one without a disability;
13. On or about October 1, 2012, I filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission alleging violations of the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA) against the employer Wilson 5;
14. On or about October 21, 2012, I received a right to sue letter from the EEOC;

15. On or about January 15, 2012, I brought suit (*Baker v. Wilson 5 Service Co 2:13-cv-005*) in the U.S. District Court, Northern District of Indiana alleging violations of the ADA, ADEA and Title 503 Rehabilitation Act of 1973, the case is still pending;
16. On or about March 17, 2014, I was referred by Local 399 to a stationary engineers vacancy with Wilson5;
17. I interviewed with Wilson 5's site supervisor (Chief Engineer) and the site's other stationary engineer;
18. Both appeared to be satisfied with my job qualifications;
19. During the interview I stated that I had worked for Wilson 5 and the site supervisor responded: "that's a conflict of interest";
20. Since March 17, 2014, I have not heard from Wilson5;
21. On or about March 25, 2014, my attorney, John Panico wrote to Wilson 5's counsel requesting that I be employed for said position;
22. To date I have not been hired by Wilson5;
23. I believe I am the most senior, qualified stationary engineer for the position;
24. Upon information and belief, Wilson 5 has hired or continues to seek other applicants for the position;
25. I believe I have been refused employment by Wilson5 because of my disability and age; and further believe; I have been retaliated against because I have filed charges of discrimination with the EEOC.

John P. Baker
JOHN P. BAKER

Subscribed and sworn to before me this 1 day of April, ~~2003~~ ²⁰¹⁴



Paulette M. Gonzalez
NOTARY PUBLIC

MY COMMISSION EXPIRES: 02-01-2016